

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

COTTONWOOD ENVIRONMENTAL)
LAW CENTER)
Plaintiff,) Civ. No. 18-12-BU-SEH
vs.)
DAVID BERNHARDT, *et. al.*) PLAINTIFF'S BRIEF IN SUPPORT
Defendants,) OF STAY AND LIMITED
) JURISDICTIONAL DISCOVERY

Cottonwood respectfully requests that the Court stay Governor Bullock's Motion to Dismiss until additional limited discovery has been completed. The Ninth Circuit has stated that "discovery should ordinarily be granted where pertinent facts bearing on the question of jurisdiction are controverted or where a more satisfactory showing of the facts is necessary." *Laub v. U.S. Dept. of Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003). Defendants have repeatedly refused to state whether the female in the photos in Exhibit 1 is a federal employee jointly hazing Yellowstone bison on federal land in May 2020. Exhibit 2.

Governor Bullock previously acknowledged in discovery that Montana and federal defendants have jointly hazed Yellowstone bison. ECF No. 73 at 2. Cottonwood now seeks additional limited discovery to verify that a federal employee assisted Montana employees in jointly hazing Yellowstone bison on federal land in May 2020.

This Court's determination of whether it has jurisdiction over Governor Bullock will "require a careful analysis of *all facts and circumstances* surrounding the relationship" between the state and federal government. *Laub*, 342 F.3d at 1092 (emphasis added). Staying the Governor's motion to dismiss until additional discovery is complete is necessary.

CONCLUSION

Cottonwood respectfully requests that the Court grant its motion for limited discovery and stay Governor Bullock's Motion to Dismiss until after discovery is completed.

Respectfully submitted this 11th Day of June, 2020.

/s/ John Meyer
JOHN MEYER

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June, 2020, the foregoing was electronically filed with the Clerk of the Court and served using the CM/ECF system upon all parties and counsel of record.

/s/ John Meyer
JOHN MEYER

Attorney for Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(d)(2)(E), I certify that this brief is printed with proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count is 235 words, excluding the Caption and Certificates.

Dated this 11th Day of June, 2020.

/s/ John Meyer
JOHN MEYER

Attorney for Plaintiff